

WAGANAKISING ODAWAK STATUTE 2006-010
FOOD SAFETY ACT

SECTION I PURPOSE

This Statute is hereby enacted to establish a satisfactory level of food service safety within the Tribe's jurisdiction with the intent of promoting Tribal entrepreneurs.

SECTION II DEFINITIONS

- A. The "Tribe" shall mean the Little Traverse Bay Bands of Odawa Indians.
- B. "Enterprise" shall mean any legal form of business recognized by the Tribe or established by Tribal law.
- C. "Food Service Facility" an establishment where food is served or sold for immediate consumption such as a deli, takeout, or restaurant.
- D. "Food Preparation Facility" shall mean an establishment where food is prepared for off site sales such as a cannery or fish packing plant.
- E. "Food Sales Facility" shall mean an establishment where food is sold for consumption off site such as a grocery store, fish store, or vegetable stand.

SECTION III APPLICATION

- A. The Tribe shall have the authority to regulate food service, food sales, and food preparation facilities owned or operated by the Tribe or the Tribe's enterprises.
- B. The Tribe shall have the authority to regulate food service, food sales, and food preparation facilities owned or operated by Tribal Member enterprises that are legal business enterprises under the Tribe's business codes and that are within the Tribe's jurisdiction.
- C. The Tribe shall have the authority to regulate food service, food sales, and food preparation facilities of temporary nature at community activities such as jiingtamak and feasts.
- D. The Tribe shall have the authority to establish fees that do not exceed \$100 per annum for permanent or \$25 per temporary permits. Fees for Head Start, schools, and non profit corporations shall not exceed \$25 per annum or \$10 per temporary permit.
- E. The Tribe shall have the authority to inspect facilities that are licensed by this statute and facilities that are with in Tribal jurisdiction and licensed by other jurisdictions such as portable kitchens at jiingtamak. Inspections of facilities that are licensed under the other laws shall be in accordance with those laws or the Tribe's which ever best serve the Tribe. Facilities that are open to the public shall be inspected during open hours while all other inspections shall require reasonable notice.

SECTION IV RESTRICTIONS

- A. All inspection violations shall require reasonable suggested solutions on the same form as inspection violations are written.
- B. Regulation of entrepreneurial businesses in Tribal homes shall not exceed the requirements necessary to prevent significant health risks.
- C. Potlucks and traditional feasts shall not be regulated.

SECTION V REGULATIONS REQUIRED

- A. The Tribal Executive shall adopt regulations to implement this statute.
- B. The regulations concerning home businesses and temporary permits shall be those minimally required for food safety and shall ensure those regulations are available in pamphlet format to promote a food safety environment in these entrepreneurial facilities. The pamphlets should include temperatures and time requirements and warnings or reasons for the regulations.
- C. All fines and penalties other than license revocation shall not exceed \$50 and should only be used after warnings are issued.

SECTION VI PROCEDURES REQUIRED

- A. None.

SECTION VII APPROPRIATIONS AUTHORIZED

- A. The Executive shall present Tribal Council with modifications to the present and future annual Budgets to include appropriations necessary to implement this statute.

SECTION VIII EXECUTIVE AUTHORITY

- A. The Tribal Executive is hereby mandated to implement this Act and to enforce all approved Tribal Codes of Regulation.

SECTION IX SEVERABILITY

If any section, subsection, paragraph, sentence, phrase or portion of this Statute is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION X EFFECTIVE DATE

Effective upon the signature of the Executive, or 30 days from submission to the Executive branch, or if the Executive vetoes the legislation, then upon Tribal Council override of the veto.

CERTIFICATION

As the Legislative Leader and Tribal Council Secretary, we certify that this Statute was duly enacted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on June 11, 2006 at which a quorum was present, by a vote of _8_ in favor, _0_ opposed, _0_ abstentions, and _1_ absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Regina Gasco Bentley	X			
Fred Harrington, Jr.	X			
Dexter McNamara	X			
Mary Roberts	X			
Rita Shananaquet				X
Alice Yellowbank	X			
Shirley Oldman	X			
Melvin L. Kiogima	X			
Beatrice A. Law	X			

Date: _____
Beatrice A. Law, Legislative Leader

Date: _____
Melvin L. Kiogima, Secretary

Received by the Executive Office on _____ by _____

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date:			
			Frank Ettawageshik, Tribal Chairperson